

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ULYSSES MITCHELL,

Petitioner,

v.

ERIC FRANKLIN,

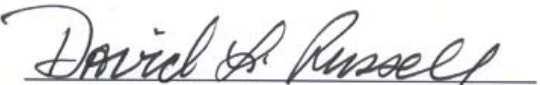
Respondent.

Case No. CIV-12-734-R

ORDER

Petitioner filed this action pursuant to 28 U.S.C. § 2241 seeking a writ of habeas corpus because the Oklahoma Department of Corrections allegedly denied him access to a substance abuse treatment program that would have reduced his period of incarceration had he been able to successfully complete the treatment program. Pursuant to 28 U.S.C. § 636(b)(1)(B), the matter was referred to United States Magistrate Judge Gary M. Purcell for preliminary review. On September 7, 2012, Judge Purcell issued a Report and Recommendation wherein he recommended the petition be dismissed without prejudice on the basis of nonexhaustion of administrative remedies. Petitioner has not objected to the Report and Recommendation within the time limits prescribed nor has he sought an extension of time in which to object. Accordingly, the Report and Recommendation is hereby adopted in its entirety and the petition is hereby dismissed without prejudice.

IT IS SO ORDERED this 3rd day of October, 2012.


DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE